

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

:

-v.-

**POST-INDICTMENT
RESTRAINING ORDER**

SCOTT TUCKER, AND

: 16 Cr. 091 (UA)

TIMOTHY MUIR,

:

Defendants.

:

- - - - - x

Upon the application of PREET BHARARA, United States Attorney for the Southern District of New York, pursuant to Title 18, United States Code, Section 1963, based on the Affidavit of Special Agent Jerry D. Whitten of the United States Internal Revenue Service, executed on February 9, 2016, and upon a finding of probable cause that the Subject Funds and Subject Property, defined below, are subject to forfeiture and restraint pursuant to Title 18, United States Code, Section 1963,

IT IS HEREBY ORDERED that SCOTT TUCKER AND TIMOTHY MUIR (collectively, the "Defendants"), and all attorneys, agents, and employees, and anyone acting on the behalf of either or both, and all persons or entities in active concert or participation with any of the above, and all persons or entities having knowledge of this Order, shall not take any action prohibited by this Order.

IT IS FURTHER ORDERED that SCOTT TUCKER AND TIMOTHY MUIR, the defendants, and all attorneys, agents, and employees, and anyone acting on the behalf of either or both, and all persons or entities in active concert or participation with any of the above, and all persons or entities having knowledge of this Order, shall not, directly or indirectly, transfer, sell, assign, pledge, hypothecate, encumber, or dispose of in any manner; cause to be transferred, sold, assigned, pledged, hypothecated, encumbered, disposed of in any manner; or take, or cause to be taken, any action that would have the effect of depreciating, damaging, or in any way diminishing the value of the following property:

- a. Any and all funds in account number 10840015031 in the name of BA Services at Midwest Trust Company and any and all funds traceable thereto;
- b. Any and all funds in account number 10840015021 in the name of Scott Tucker FI at Midwest Trust Company and any and all funds traceable thereto;
- c. Any and all funds in account number 10840015041 in the name of Scott Tucker at Midwest Trust Company and any and all funds traceable thereto;
- d. Any and all funds in account number 10840015556 in the name of Scott Tucker at Midwest Trust Company and any and all funds traceable thereto;

- e. Any and all funds in account number 97363826 in the name of Kim C. Tucker Living Trust with trustee Kim Cunningham Tucker TTEE at Charles Schwab and any and all funds traceable thereto;
- f. Any and all funds in account number 10840017641 in the name of Kim Tucker at Midwest Trust Company and any and all funds traceable thereto;
- g. Any and all funds in account number 2727864 in the name of BA Services LLC - Operating Account at Welch State Bank and any and all funds traceable thereto;
- h. Any and all funds in account number 2727974 in the name of BA Services LLC - Payroll Account at Welch State Bank and any and all funds traceable thereto;
- i. Any and all funds in account number 1218503 in the name of Level 5 Motorsports LLC at Capital City Bank and any and all funds traceable thereto;
- j. Any and all funds in account number 590957615 in the name of Tim J. Muir at Commerce Bank and any and all funds traceable thereto;
- k. One Ferrari 599XX bearing VIN:
TUCKER599XX170833;
- l. One 2011 Ferrari 599 GTO bearing VIN:
ZFF70RCA2B0175653;
- m. One 2011 Ferrari 458 Challenge bearing VIN:
ZFF71NXX000179226;
- n. One 2011 Ferrari 458 Challenge bearing VIN:
ZFF71NXX000177700;
- o. One 2011 Ferrari SA Aperta bearing VIN:
ZFF72RHA7B0181404;
- p. One 2014 Ferrari 458 bearing VIN:
ZFF68NHA8E0196808;

- q. One 2011 Porsche Cayenne bearing VIN:
WP1AE2A26BLA91678;
- r. One 2011 Porsche 911 GT2 RS bearing VIN:
WP0AE2A92BS778077;
- s. One 2011 Porsche Panamera Turbo bearing VIN:
WP0AC2A71BL090988;
- t. One 2005 Porsche Carrera GT bearing VIN:
WP0CA29835L001261;
- u. One Model 60 Learjet bearing FAA Registration
N551ST;

(the accounts referenced in (a) through (j) are collectively referred to herein as the "Subject Accounts"; the funds in the Subject Accounts are collectively referred to herein as the "Subject Funds"; and the assets listed in (k) through (u) are collectively referred to herein as the "Subject Property"), all of which are alleged to constitute proceeds obtained, directly or indirectly, from unlawful debt collection, in violation of Title 18, United States Code, Section 1962.

IT IS FURTHER ORDERED that the United States Attorney's Office for the Southern District of New York, in its discretion, is authorized to direct the release of the Subject Funds and/or Subject Property restrained herein;

IT IS FURTHER ORDERED that any person or entity claiming an interest in the assets listed in this Order may contact the following Assistant United States Attorneys to clarify the scope of the Order: Assistant United States Attorneys Niketh V. Velamoor and

Hagan Scotten, Telephone Numbers (212) 637-1076/(914) 993-1924, respectively. Those persons or entities will not be deemed in violation of this Order for any transactions undertaken upon approval made in writing by Assistant United States Attorneys Velamoor and/or Scotten;

IT IS FURTHER ORDERED that this Restraining Order shall be binding upon the Defendants, their attorneys, agents, and employees, and all persons in active concert or participation with any of the above, or any other person having knowledge of this Order, and that this Order shall remain in effect until further order of this Court;

IT IS FURTHER ORDERED that service of a copy of this Order shall be made on the Defendants or their attorneys by regular mail; and

IT IS FURTHER ORDERED that this Restraining Order and all papers submitted therewith shall be maintained under seal until such time as the unsealing of the above-captioned criminal Indictment, except that the United States Attorney's Office or its designee(s) may provide copies of this Order to any person in order to facilitate the execution of this Restraining Order, including any relevant financial institutions and/or the defendants and except that the Government may provide copies of the Restraining Order and the

Affidavit as required by its discovery obligations, including Rule 16, of the Federal Rules of Criminal Procedure.

Dated: New York, New York
February 9, 2016

SO ORDERED:



HONORABLE J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE, PART I